

**PUBLIC SAFETY  
AND  
LEGAL ADMINISTRATION COMMITTEE  
MINUTES**

**SEPTEMBER 29, 2009**

The regularly scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday, September 29, 2009 at 3:55 p.m., in Committee Room #2.** The following members were present:

**The Honorable Cleta Winslow, Chair  
The Honorable C. T. Martin, Vice-Chair  
The Honorable Anne Fauver  
The Honorable Joyce Sheperd**

The following members were absent:

**The Honorable Kwanza Hall  
The Honorable H. Lamar Willis**

Others present at the meeting were: Jerry Deloach and Amber Robinson, Law Department; Deputy Chiefs George Turner, Peter Andresen and Carlos Banda, Sergeant Edward Davis, Malachi Hull, Police Department; Deputy Chief, H. B. Dodson, Jr., Atlanta Fire and Rescue Department; Karen Rogers, Office of Weed and Seed; Mayor's Office; media, public and council staff.

Chair Cleta Winslow called the meeting to order at 3:55 p.m. after declaring a quorum present. She then proceeded with the following order of business.

- A.    ADOPTION OF AGENDA - ADOPTED**
- B.    APPROVAL OF MINUTES - APPROVED**
- C.    DISCUSSION ITEMS**

The Taxipass Presentation - Ron Fennel & Jason Diaz

**CONSENT**

**D.    RESOLUTIONS**

**Claims with favorable recommendations:**

- 09-R-1674 ( 1)    Claim of **Butler Street CME Church**, for property damages alleged to have been sustained from multiple flooding incidents due to a sanitary sewer main break on July 3, 2005 at 22 Jesse Hill Jr. Drive, SE. **\$65,424.90**

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**RESOLUTIONS (CONT'D)**

**Claims with favorable recommendations:**

- 09-R-1675 ( 2)      Claim of **Dale Blum Roberts**, for bodily injuries alleged to have been sustained from tripping on an uneven section of sidewalk on February 5, 2009 at 2900 Peachtree Road, NE.  
**\$14,500.00**
- 09-R-1676 ( 3)      Claim of **Nycole Benoit and Rikayah Benoit**, for vehicular damages alleged to have been sustained from driving over a defective area in the road on April 12, 2009 at Central Park Avenue and Ralph McGill Boulevard.  
**\$603.19**
- 09-R-1677 ( 4)      Claim of **Terri Murai**, for vehicular damages alleged to have been sustained from driving over a pothole in the road on January 2, 2009 on Spring Street and North Avenue.  
**\$600.00**

**Claims with unfavorable recommendations:**

- 09-R-1678 ( 5)      Claim of **Calvin Happ**, for damages alleged to have been sustained from the City's failure to return the renewal fees for an alcoholic beverage license in December 2008 at 1025 Howell Mill Road.
- 09-R-1679 ( 6)      Claim of **Michael Stevens and Victoria M. Stevens**, for vehicular damages alleged to have been sustained from driving over a construction site that was improperly repaired on May 22, 2009 at Marietta Street, NW.
- 09-R-1680 ( 7)      Claim of **Virginia V. Birts**, for damages alleged to have been sustained from driving over a metal gate that had fallen from a private work truck on February 21, 2009 at Cheshire Bridge Road and Lavista Road.
- 09-R-1681 ( 8)      Claim of **Travelers Insurance Company, as subrogee of Pamela Evans**, for damages alleged to have been sustained as a result of driving over a pothole on April 24, 2009 at 366 Fair Drive.  
**(Councilmember Sheperd made a motion to hold.)**

**HELD**

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**RESOLUTIONS (CONT'D)**

**Claims with unfavorable recommendations:**

- 09-R-1682 ( 9)     Claim of **Specialty Risk Services, as subrogee of Wells Fargo, employer of Immaculada Lacyo**, for damages alleged to have been sustained as a result of walking on an uncovered water meter box on October 11, 2008 at 265 Peachtree Center.
- 09-R-1683 (10)    Claim of **Zachary Lee**, for damages alleged to have been sustained as a result of a tree falling on June 11, 2009 at 626 DeKalb Avenue.
- 09-R-1684 (11)    Claim of **Robert Foah**, for damages alleged to have been sustained as a result of the installation of a water meter on July 1, 2009 at 158 Elizabeth Street.
- 09-R-1685 (12)    Claim of **John Rick**, for damages alleged to have been sustained as a result of the installation of a water meter on July 27, 2009 at 840 DeKalb Avenue.
- 09-R-1686 (13)    Claim of **Jennifer Schultz**, for property damages alleged to have been sustained when a mailbox was destroyed during a road repaving project on January 22, 2009 at 215 Warren Street, NE.
- 09-R-1687 (14)    Claim of **John M. Perry**, for damages alleged to have been sustained as a result of striking a construction cut on August 11, 2009 at 4279 Roswell Road and Chastain Drive.
- 09-R-1688 (15)    Claim of **Peter Wilander**, for damages alleged to have been sustained as a result of striking a construction cut on July 25, 2009 at 4279 Roswell Road and Chastain Drive.
- 09-R-1689 (16)    Claim of **Vanessa W. Erbrick**, for damages alleged to have been sustained as a result of striking damaged storm grates on February 27, 2009 at 1610 Ponce de Leon Avenue.

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**RESOLUTIONS (CONT'D)**

**Claims with unfavorable recommendations:**

09-R-1690 (17) Claim of **Teresa Novella Wimberly**, for damages alleged to have been sustained as a result of striking a construction cut on August 4, 2009 at 4279 Roswell Road and Chastain Drive.

09-R-1691 (18) Claim of **Mr. Alvin Hall**, for damages alleged to have been sustained as a result of driving over a pothole on April 10, 2009 at 366 Fair Drive.  
**(Councilmember Sheperd made a motion to hold.)**

**HELD**

09-R-1692 (19) Claim of **Sheena Lawrence**, for damages alleged to have been sustained as a result of driving over a pothole on January 27, 2009 at Roswell Road near Cliftwood Drive.  
**(Councilmember Winslow made a motion to approve Items D1-D7, D9-D17 & D19.)**

**FAVORABLE**

**REGULAR**

**E. ORDINANCES FOR SECOND READING**

09-O-1558 ( 1) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 10, Article II, Division 3, Section 10-127, entitled Temporary Permit for Non-Profit Civic Organizations, to increase the number of permits that may be issued to an organization in any one calendar year from two to four; and for other purposes.  
**(Councilmember Sheperd made a motion to approve.)**

**FAVORABLE**

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**ORDINANCES FOR SECOND READING (CONT'D)**

- 09-O-1559 ( 2)     An Ordinance by Public Safety and Legal Administration Committee to amend the Code of Ordinances of the City of Atlanta, Georgia, Chapter 162, Article II, Division 1, Section 162-42, entitled Miscellaneous Requirements and Penalties; and Section 162-43, entitled Table of Violations, so as to make it unlawful for drivers of Vehicles for Hire to engage the Child Safety Locks on the rear doors of a vehicle for hire unless otherwise directed; to establish penalties therefor; and for other purposes.  
**(Councilmember Winslow made a motion to hold.)**

**HELD**

- 09-O-1560 ( 3)     An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 106, Offenses and Miscellaneous Provisions, Article V, Offenses by and Against Minors, Section 106-228, same-responsibility of parents, so as to replace improper references to nonexistent sections of the City of Atlanta Code of Ordinances with the proper references to Section 106-227, Curfew-authorized; to repeal conflicting ordinances; and for other purposes.  
**(Councilmember Martin made a motion to approve.)**

**FAVORABLE**

- 09-O-1561 ( 4)     An Ordinance by Public Safety and Legal Administration Committee to amend the 2009 (Intergovernmental Grant Fund) Budget, Executive Offices, Mayor's Office of Weed and Seed, by adding to anticipations and appropriations in the amount of \$380,098.00 from the Department of Justice Byrne Discretionary Grant; to rescind Ordinance 09-O-0412; and for other purposes.  
**(Councilmember Martin made a motion to approve.)**

**FAVORABLE**

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**ORDINANCES FOR SECOND READING (CONT'D)**

- 09-O-1562 ( 5)     A **Substitute** Ordinance by Public Safety and Legal Administration Committee amending the 2010 (Intergovernmental Grant Fund) Budget, Department of Police by adding to anticipations and appropriations the amount of \$300,000.00 for Grant Funds from the White House Office of National Drug Control Policy for the continuation of the High Intensity Drug Trafficking Area (HIDTA) Task Force and continued disruption of Drug Trafficking Organizations; and for other purposes.  
**(Councilmember Martin made a motion to approve on substitute.)**

**FAVORABLE ON SUBSTITUTE**

**F.     RESOLUTIONS**

- 09-R-1671 ( 1)     A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor or her designee to enter into an appropriate contractual agreement with Doctor Mark Waterman (Consultant) on behalf of the Department of Fire and Rescue in an amount not to exceed \$4,667.00 per month for the purpose of serving as the Medical Director for Emergency Medical Services; and for other purposes.  
**(Councilmember Winslow made a motion to hold.)**

**HELD**

- 09-R-1672 ( 2)     A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor or her designee to enter into an agreement with the Atlanta Independent School System and the City of Atlanta for the lease of property at 407 Ashwood Avenue, Atlanta, Georgia, for the purpose of housing the Atlanta Fire Department Training Section; for a monthly rate of \$9,240.00 per month for the first year with an increase of five percent (5%), each year thereafter until the end of the five year lease term; and for other purposes.  
**(Councilmember Winslow made a motion to hold.)**

**HELD**

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**RESOLUTIONS (CONT'D)**

- 09-R-1673 ( 3)     A Resolution by Public Safety and Legal Administration Committee authorizing the Chief Procurement Officer to utilize the State of Georgia Contract SWC-30747 with Fisher Scientific Company LLC for a blanket purchase order to purchase self-contained breathing apparatus, regulators, and hose for the self-contained breathing apparatus on behalf of the Department of Fire and Rescue in an amount not to exceed \$50,000.00; and for other purposes.  
**(Councilmember Martin made a motion to approve.)**

**FAVORABLE**

**G.     PAPERS HELD IN COMMITTEE**

- 06-R-0433 ( 1)     Claim of **Robert Colgin**, for damages alleged to have been sustained as a result of flooding on July 9, 2005 at 3340 Chatham Road, NW. **(Referred back by Council 2/20/06) (Held 2/28/06 for further investigation at the request of Councilmember Muller)**

**HELD**

- 06-O-1044 ( 2)     An Ordinance by Councilmembers H. Lamar Willis and C. T. Martin to amend the Code of Ordinances of the City of Atlanta, Georgia, Chapter 162, Article 2, Section 162-61(a) and Chapter 162, Article 2, Section 162-34(f) to allow short breaks in service for Taxicabs; to allow the Chief of Police or his designee, discretion to grant further extension for correction slip matters; to repeal conflicting ordinances; and for other purposes. **(Held 5/9/06 at the request of Councilmember Martin)**

**HELD**

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**PAPERS HELD IN COMMITTEE (CONT'D)**

- 07-O-1525 ( 3)     An Ordinance by Councilmember Joyce Sheperd to amend Section 122-172 under Chapter 122, Article V, Division 2, of the Code of Ordinances, so as to provide for a review by the affected Neighborhood Planning Unit(s) whenever an application for a license to operate a Secondary Metal Recycler is submitted; and for other purposes.  
**(Councilmember Sheperd made a motion to file)**

**FILE**

- 07-O-1795 ( 4)     An Ordinance by Councilmember H. Lamar Willis to establish Chapter 21 of the Code of Ordinances of the City of Atlanta entitled "Transportation of Hazardous Materials"; to create a new Article I to be entitled "Terrorism Prevention in Hazardous Materials Transportation Act of 2007," to create a new Division 1 to be entitled "Terrorism Prevention in Hazardous Materials Transportation Act of 2007"; so as to prohibit large shipments of certain extremely hazardous materials near the City of Atlanta in an effort to reduce the risk of attacks by terrorists; to allow for the issuance of permits authorizing such shipments in special cases; to require the Mayor to issue regulations to implement the provisions of this act; and for other purposes. **(Held 8/28/07 for further review.)**

**HELD**

- 07-O-1879 ( 5)     An Ordinance by Public Safety and Legal Administration Committee to revise the City of Atlanta Code of Ordinances pertaining to secondary metal recyclers by amending the following Sections of Chapter 122, Article V, Divisions I and II; Section 122-151 (Definitions); Section 122-152 (Records Required); and Section 122-157 (Unlawful Acts); Section 122-171 (Required Application); to add the following new Sections to Chapter 122, Article V, Divisions I and II of the City of Atlanta Code of Ordinances: Section 122-158 (Daily Written Report to Police); Section 122-159 (Offenses;



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**PAPERS HELD IN COMMITTEE (CONT'D)**

Defenses, Penalty); Section 122-160 (Possessor of Secondary Metals); Section 122-161 (License to Possess Secondary Metals); Section 122-162 (Revocation of License to Possess Secondary Metals); and Section 122-170 (Processing Application; Issuance of License, Possessor of Secondary Metals); to waive conflicting ordinances; and for other purposes.

**(Councilmember Sheperd made a motion to file)**

**FILE**

- 07-O-2513 ( 6)      An Ordinance by Councilmember Ceasar C. Mitchell to amend Ordinance #07-O-2135, adopted October 15, 2007 and approved October 22, 2007, amending Section 10-12 of the City Code, which amendment eliminated the provision allowing persons 18 years of age or older to provide entertainment in any premises licensed for the sale of alcoholic beverages, so as to exempt from said ordinance, those persons currently employed as entertainers with active and valid permits, which will afford such persons a "Grandfathered" status; and for other purposes.

**(Councilmember Sheperd made a motion to file)**

**FILE**

- 08-O-0190 ( 7)      An Ordinance by Councilmember H. Lamar Willis to amend Chapter 30, Article II of the City Code of Ordinances to reflect new fees for owners of Adult Entertainment establishments which sell alcohol to provide for certain programs for the prevention of sexual assault; and for other purposes. **(Held 1/29/08 at the request of the author)**

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**PAPERS HELD IN COMMITTEE (CONT'D)**

- 08-O-0507 ( 8)     An Ordinance by Councilmember Mary Norwood to create a new Section 106-15 of the Code of Ordinances of the City of Atlanta, Georgia, to be entitled "Loitering"; and for other purposes. **(Held 3/11/08 for further review by the Law Department)**

**HELD**

- 08-O-0884 ( 9)     An Ordinance by Finance/Executive Committee to amend Chapter 10, Article I, Section 10-1 of the Code of Ordinances, City of Atlanta, Georgia, so as to amend the definition of the word "Restaurant" to more closely reflect the definition of the term "Bona Fide Full-Service Restaurant" contained in Chapter Three of the Official Code of Georgia Annotated; to repeal conflicting ordinances; and for other purposes. **(Held 5/27/08 for further review)**

**HELD**

- 08-O-1147 (10)     A **Substitute** Ordinance by Public Safety and Legal Administration Committee to amend the Charter of the City of Atlanta, Georgia, adopted under the authority of the Municipal Home Rule Act of 1965, O.C.G.A. 36-35-1 et seq., as amended, to amend the Charter of the City of Atlanta, Georgia, 1996 Ga. Laws, P. 4469, et seq., by amending Article 4, Courts, Sections 4-106 and 4-109 regarding the appointment of Judges Pro Hac Vice to the Municipal Court of Atlanta; to repeal conflicting ordinances; and for other purposes. **(Referred back from Council on 3<sup>rd</sup> Reading, Final Adoption) (Held 2/24/09)**

**HELD**

- 08-O-1211 (11)     An Ordinance by Councilmembers H. L. Willis, C. T. Martin, Ivory L. Young, Jr. and Mary Norwood to create a separate Department/Organization (Dept/Org) to account for the activity of the Citizen Review Board (CRB); to move funds budgeted in the FY 2008 General Fund Budget in the Police Department's Public Affairs Unit for the purposes of the CRB; and for other purposes. **(Held 6/10/08 for further review)**

**HELD**

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**PAPERS HELD IN COMMITTEE (CONT'D)**

- 08-O-1252 (12) An Ordinance by Councilmember Howard Shook to amend the Code of Ordinances of the City of Atlanta, Georgia, Chapter 10, Article II, Division 2, Section 10-94(a), to exempt certain properties from the distance requirements of 10-88 for the sale of alcoholic beverages for consumption on the premises; and for other purposes. **(Held 7/1/08 at the request of the Law Department)**

**HELD**

- 08-O-1289 (13) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 10, Article II, Division 2, Section 10-61, Entitled "Date for Payment of License Fees; Prorated Fees", to provide for an expiration date for all licenses issued under Division 2 of Chapter 10, Article II of Code of Ordinances; to change the date by which all Annual License Fees and Renewal Applications of all Annual Licenses issued under Division 2 of Chapter 10, Article II of the City of Atlanta Code of Ordinances must be submitted; to provide for prorated fees based upon the new deadline; to set forth that the effective date of this amendment shall be January 2, 2009; to repeal conflicting ordinances; and for other purposes. **(Held 7/15/08 at the request of the Law Department)**

**HELD**

- 08-O-1544 (14) An Ordinance by Councilman C. T. Martin to amend Section 162-78 (a) (3) and (6) (Taxicabs and Vehicles for Hire) of the Code of Ordinances of the City of Atlanta, Georgia so as to eliminate the Annual Fingerprinting Requirement for Taxicab Drivers and to change the Driver's Training Course Requirement from annually to every three years; to waive conflicting ordinances; and for other purposes. **(Referred back by Full Council on 8/18/08) (Held 8/26/08 for further review.)**

**HELD**

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**PAPERS HELD IN COMMITTEE (CONT'D)**

- 08-O-1753 (15) An Ordinance by Councilmember Mary Norwood to amend Article XXIV entitled "Vending on Private Property"; and for other purposes. **(Held 9/9/08 for further review.)**

**HELD**

- 08-O-2436 (16) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 2, Article XVI, Division 11, Section 2-2211 and Chapter 2, Article XVI, Division 11, Section 2-2212 to provide for the disclosure of public police and corrections documents to the Citizen Review Board; to amend Chapter 98, Article II, Section 98-26(b)(3) and Chapter 98, Article IV, Section 98-153(b)(3) to require the Chiefs of Police and Corrections to appear before the Citizen Review Board upon request and set forth the reasons for delays in internal investigations into their employees' conduct; and for the other purposes. **(Held 1/13/09) (Held 4/28/08 for a work session)**

**HELD**

- 09-O-0389 (17) An Ordinance by Public Safety and Legal Administration Committee to amend Section 10-75 (5) of the Code of Ordinances of the City of Atlanta, Georgia ("The Alcoholic Beverage Code") so as to correct a Code Section reference error contained therein; to waive conflicting ordinances; and for other purposes. **(Held 3/10/09 for further review)**

**HELD**

- 09-R-0621 (18) Claim of **Tremayne McReynolds**, for damages alleged to have been sustained as a result of a trip and fall incident in an uncovered water meter on July 15, 2008 at 277 Pharr Road, NE. **(Referred back by Council 4/20/09) (Held 4/28/09 for further review)**

**HELD**

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**PAPERS HELD IN COMMITTEE (CONT'D)**

- 09-R-0722 (19) Claim of **Tracy Dummett**, for damages alleged to have been sustained from a police shooting incident on October 16, 2008 at 1500 Langston Avenue. **(Held 4/28/09 at the request of Councilmember Sheperd for further review by the Law Department.)**

**HELD**

- 09-R-1030 (20) Claim of **Fred McFarlin**, for damages alleged to have been sustained when a door was broken by firemen on February 9, 2009 at 1865 Wellborne Drive, NE. **(Held 6/9/09 at request of Councilmember Fauver.)**

**HELD**

- 09-O-1045 (21) A **Substitute** Ordinance by Public Safety and Legal Administration Committee to amend the Code of Ordinances of the City of Atlanta, Georgia, Chapter 162, Article II, Section 162-77 (6) so as to specifically allow third parties approved by the Bureau, to administer the examination which all new applicants for driver permits must pass in order to secure their initial permits; and for other purposes. **(Referred back by Full Council 9/8/09) (Held 9/15/09 for further review.)**

**HELD**

- 09-O-1069 (22) An Ordinance by Councilmember C. T. Martin to amend Section 162-260 (a), (Entitled "Fees Charged by Vehicle Immobilization Service") of the Code of Ordinances of the City of Atlanta, Georgia, so as to increase the allowable fee charged by Vehicle Immobilization Services, to the owner of any immobilized vehicle or personal property, from \$50.00 per day to \$75.00 per day; to waive conflicting ordinances; and for other purposes. **(Public Hearing held 7/14/09)**

**HELD**

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**PAPERS HELD IN COMMITTEE (CONT'D)**

- 09-O-1178 (23) An Ordinance by Public Safety and Legal Administration Committee to amend the Code of Ordinances of the City of Atlanta, Georgia, Chapter 162, Article II, Division 1, Section 162-36 to require that the dome lights, with which the roofs of all taxicabs must currently be affixed, be wired in such a way as to minimize the possibility of injury for the purpose of protecting the safety of taxicab drivers and passengers; and for other purposes. **(Held 7/14/09 for further discussions.)**

**HELD**

- 09-O-1179 (24) An Ordinance by Public Safety and Legal Administration Committee to amend the Code of Ordinances of the City of Atlanta, Georgia, Chapter 162, Vehicles for Hire, to provide for a definition of taxicab safety equipment; to require signage on applicable taxicabs alerting passengers to the presence of a Digital Security Camera System; to require the installation of taxicab safety equipment in all taxicabs; to authorize the Chief of Police or his/her designee to establish, issue and revise rules, procedures and regulations to govern the specifications, installation and maintenance of the taxicab safety equipment, and to provide for enforcement of rules, procedures and regulations for the purpose of protecting the safety of taxicab drivers and passengers; and for other purposes. **(Held 7/14/09 for further discussions.)**

**HELD**

- 09-O-1417 (25) An Ordinance by Public Safety and Legal Administration Committee authorizing the Mayor or her designee to add to anticipations and appropriations funds from Wachovia Bank on behalf of the Atlanta Fire and Rescue Department in the amount of \$438,843.00 for the purpose of supporting the Mobile Data Computers and Automatic Vehicle Locators; and for other purposes. **(Held 9/15/09 for further review)**

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**PAPERS HELD IN COMMITTEE (CONT'D)**

09-C-1521 (26) A Communication by Mayor Shirley Franklin appointing **Mr. R. Roger Bhandari** as City Attorney. **(Held 9/15/09 at the request of the Administration.)**

**HELD**

09-C-1525 (27) A Communication by Mayor Shirley Franklin appointing **Ms. Katrice T. Hatten** to serve as a Taxicabs and Vehicles for Hire Hearing Officer on behalf of the City of Atlanta. This appointment is for a term of two (2) years scheduled to begin on the date of Council confirmation. **(Held 9/15/09 awaiting Ms. Hatten, to appeal before the committee.)**

**HELD**

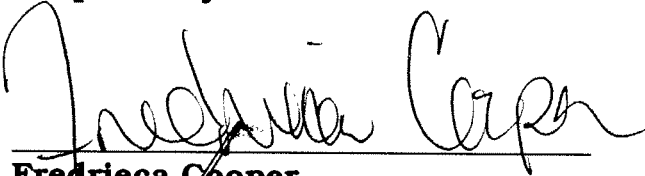
**H. REQUESTED ITEMS**

1. Councilmember Sheperd made a request for a work session on liquor licensing.
2. Councilmember Sheperd made a request for the Police Department to come back in September for an update on the Auditor's Recommendations regarding the Patrol Officer Availability Audit.

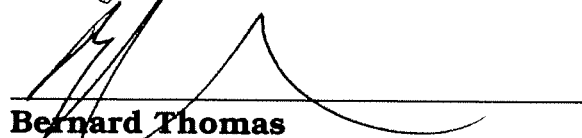
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**There being no further business to come before the Committee, the meeting was adjourned at 5:25 p.m.**

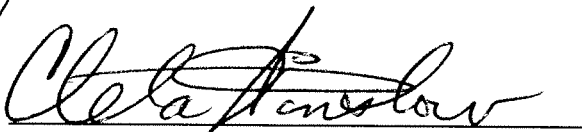
**Respectfully Submitted:**



**Fredriecca Cooper  
Legislative Assistant**



**Bernard Thomas  
Research and Policy Analyst**



**The Honorable Cleta Winslow, Chair  
Public Safety and Legal Administration Committee**